

**TRANSCRIBED FROM DIGITAL RECORDING**

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

DR. NICHOLAS ANGELOPOULOS, ) NO. 12 C 5836

Plaintiff,

v.

KEYSTONE ORTHOPEDIC SPECIALISTS, S.C., ) February 11, 2014  
WACHN, LLC, MARTIN R. HALL, M.D., IRA K. ) Chicago, Illinois  
DUBIN LTD. d/b/a GREEN DUBIN & CO., and ) 10:15 a.m.  
IRA K. DUBIN, )  
Defendants. ) Emergency  
 ) Motion Hearing

TRANSCRIPT OF PROCEEDINGS - BEFORE THE  
HONORABLE MAGISTRATE JUDGE DANIEL G. MARTIN

## APPEARANCES:

**For the Plaintiff:**

GAIR LAW GROUP, LTD.  
1 East Wacker Drive  
Suite 2050  
Chicago, Illinois 60601  
BY: MS. VILIA M. DEDINAS  
MR. THOMAS R. HEISLER

**For the Dubin Defendants:**

DOHERTY & PROGAR  
200 West Adams Street  
Suite 2220  
Chicago, Illinois 60606  
BY: MR. MICHAEL T. SPRENGNETHEN

TRACEY DANA McCULLOUGH, CSR, RPR  
Official Court Reporter  
219 South Dearborn Street  
Room 1426  
Chicago, Illinois 60604  
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**NOTE: Please notify of correct speaker identification.  
FAILURE TO SPEAK DIRECTLY INTO THE MICROPHONE MAKES  
PORTIONS UNINTELLIGIBLE.**

**APPEARANCES CONTINUED:**

For Defendants Hall  
Keystone and Wachn:  
PETERSEN & HOUPP, P.C.  
161 North Clark Street  
Suite 3100  
Chicago, Illinois 60601-3224  
BY: MS. NAUREEN AMJAD  
MR. ARTHUR M. HOLTZMAN

1 THE CLERK: 12 C 5836, Angelopoulos versus Keystone.

2 THE COURT: Good morning one and all. Get on the  
3 record, please.

4 MS. DEDINAS: Good morning, Your Honor. Vilia  
5 Dedinas, D-E-D-I-N-A-S, and Tom Heisler, H-E-I-S-L-E-R, counsel  
6 for the plaintiff Dr. Angelopoulos.

7 THE COURT: Miss Dedinas, Mr. Heisler. Go ahead.

8 MR. SPRENGNETH: Good morning, Your Honor. Michael  
9 Sprengnether, S-P-R-E-N-G-N-E-T-H-E-R, for the Dubin  
10 defendants.

11 THE COURT: Mr. Sprengnether.

12 MR. SPRENGNETH: Good morning, Your Honor.

13 MS. AMJAD: Naureen Amjad for the Hall defendants.  
14 That's Dr. Hall, Keystone, and Wachn.

15 THE COURT: Okay.

16 MS. AMJAD: Last name spelled A-M-J-A-D.

17 THE COURT: Miss Amjad. Okay.

18 MR. HOLTZMAN: Arthur Holtzman also on behalf of the  
19 Hall defendants. H-O-L-T-Z-M-A-N.

20 THE COURT: Okay. This is plaintiff's emergency  
21 motion to compel. I don't know that I share the emergency part  
22 of it. But plaintiff filed the emergency motion to compel  
23 deposition of defendant Dr. Hall, which was scheduled for  
24 today, February 11th. Hall is the designated Rule 30 (b) 6  
25 witness for nondefendant third parties Vertical Plus and

1 MedStaff. The plaintiff asks the Court to require Hall to  
2 appear for his deposition and to set dates for the future  
3 depositions, Keystone Orthopedics, W-A-C-H-N, LLC, and Dr. Hall  
4 individually.

5 Defendants claim that Dr. Hall is too busy to be  
6 available. Provide a schedule of his travel and surgery dates.  
7 Defendants state that Dr. Hall will be required to sit for five  
8 depositions both individually and as a Rule 30 (b) 6 defendant  
9 for various defendant companies and third party companies.  
10 Defendants also want to postpone any deposition until plaintiff  
11 files its second amended complaint. I need to know when -- not  
12 when Dr. Hall is traveling or has surgery, but when Dr. Hall is  
13 available. Okay. And defendants need to let plaintiffs know  
14 that today. What's going on?

15 MS. DEDINAS: Well, Your Honor, you know, I don't  
16 want to --

17 THE COURT: He's got to sit for his deposition first  
18 as the Rule 30 (b) 6 witness. And he's been designated in that  
19 respect.

20 MS. DEDINAS: Correct.

21 THE COURT: And then, you know --

22 MS. DEDINAS: Your Honor, our big concern is we --  
23 you know, this, this deposition was set, carved out by  
24 everybody. And actually we believe it was canceled for the  
25 sole reason that the defendants learned that we were going to

1 file a second amended complaint. And these --

2 THE COURT: But if you file a second amended  
3 complaint, that doesn't mean we're going to delay the --

4 MS. DEDINAS: Correct.

5 THE COURT: -- deposition until and beyond that. And  
6 maybe if he sits for a deposition, you may not be required to  
7 compel him for another. But when can Hall be available for his  
8 deposition? He has a lawful obligation to sit for his  
9 deposition, which was noticed for today and has apparently been  
10 vacated.

11 MS. AMJAD: Your Honor, Dr. Hall had a conflict  
12 today, which is why he ended up canceling.

13 THE COURT: When can he be available? I don't care  
14 about his conflicts or his surgery dates or his travel. When  
15 are his available dates?

16 MS. AMJAD: Currently the most recent available date  
17 he has is March 1st.

18 THE COURT: Okay.

19 MS. AMJAD: That's a Saturday. The parties had  
20 originally agreed because Dr. Hall is constantly traveling and  
21 he has a busy orthopedic surgery schedule, taking him from  
22 Indiana to Illinois, the parties had originally discussed being  
23 flexible and potentially having depositions on weekends or  
24 evenings.

25 THE COURT: Well, what is the feeling right now?

1 MS. DEDINAS: Well, Your Honor --

2 THE COURT: Is March 1st an acceptable date?

3 MS. DEDINAS: March 1st is only for a short period of  
4 time. I don't know that we can do two depositions. The other  
5 dates --

6 THE COURT: Wait. Wait. Slow down. What do you  
7 mean only for a short period of time? What's wrong with all  
8 day March 1st?

9 MS. DEDINAS: He said he's only available from 9 to  
10 12 on March 1st.

11 THE COURT: Okay. When can Dr. Hall be available to  
12 sit for his deposition, or do I have to order him in under  
13 the --

14 MS. DEDINAS: If you look at their --

15 THE COURT: -- under the threat of sanctions?

16 MS. DEDINAS: -- the schedule that they've given us,  
17 the first available date he says he has is April 22nd.

18 MS. AMJAD: After March 1st the next available date  
19 that he is available is April 22nd.

20 THE COURT: Okay. Well, you know what I'm going to  
21 do, I'm going to take a little break, and I'm going to let you  
22 folks discuss something reasonable. All right. I've got his  
23 whole schedule up here now. All right. And, you know, he's a  
24 defendant to a lawsuit. He's been designated as the Rule 30  
25 (b) 6 witness. All right. The company could have designated

1 anyone they chose to. They designated him. So, you know --

2 MS. AMJAD: Your Honor --

3 THE COURT: I mean, Dr. Hall doesn't run the whole  
4 show here. So Dr. Hall needs to maybe cancel a surgery or  
5 reset a surgery so he can be available to these folks for  
6 depositions. So I want you all to talk and come up with  
7 something within the next 30 days that's agreeable to all  
8 parties, and then I'll come back. Knock on the door when  
9 you're done, and we'll set this date. Let's get this moving.

10 Okay.

11 MS. DEDINAS: Thank you.

12 THE COURT: Thanks folks.

13 (Short break taken.)

14 THE COURT: Okay. Recall.

15 THE CLERK: Okay. 12 C 5836, Angelopoulos versus  
16 Keystone.

17 THE COURT: Okay. All parties are still on the  
18 record. Where are we with respect to our agreed available  
19 date?

20 MR. HOLTZMAN: Your Honor, I tried to reach Dr. Hall.  
21 He's in surgery in Hines Hospital all morning. His office  
22 doesn't control his calendar. He does. I tried to find out if  
23 anybody else there could review it. They said we have to talk  
24 to Dr. Hall. We will try to get him. The best I can suggest,  
25 Your Honor, is we will get him, find him this afternoon and get

1 dates from him and communicate that to the other side. But  
2 he's in surgery this morning scheduled in Hines Hospital.

3 THE COURT: Okay. Well, I'm going to order Dr. Hall  
4 to sit for his deposition within 30 days, at least for the  
5 first part. Seven hours max. And he needs to find the time to  
6 do that. The 9 to 12 on a Saturday is not apparently adequate  
7 to fulfill his responsibilities as the Rule 30 (b) 6 witness,  
8 deposition witness in the case. And that will be the initial  
9 matter. Let's figure it out after that. Well, let's get the  
10 ball rolling on Hall's deposition. It doesn't seem onerous to  
11 require that he provide seven hours, seven solid hours, which  
12 is the limitation on an initial deposition within the next 30  
13 days.

14 I'll leave it up to the parties to determine what  
15 that date is. Go ahead.

16 MR. HOLTZMAN: Could that be split in two days? I  
17 don't know his calendar again.

18 THE COURT: I don't think so. What do your opponents  
19 say? They were upset that it was a three-hour interval. If  
20 it's agreeable with your opponents, it will be agreeable with  
21 me. But if not, it's got to be a seven-hour provision. He's  
22 got to make the time, guys. It's his deposition. All right.  
23 I mean, what am I missing here? All right.

24 MS. DEDINAS: If you're asking me, I mean, we're  
25 trying to be flexible and accommodate him by doing two

1 depositions in one day over a seven-hour period.

2 THE COURT: Okay.

3 MS. DEDINAS: With the understanding that one might  
4 go a little longer. One might go a little shorter. But to  
5 then commit to three hours for one --

6 THE COURT: No. It's a full day as required by the  
7 rules deposition.

8 MS. DEDINAS: Right.

9 THE COURT: And then we'll see where we are after  
10 that. Okay. You know, let's just get it moving. That's the  
11 order of the Court. And Dr. Hall will have to come in and show  
12 cause if he's unable to make that legal obligation. And that  
13 would take up considerable time out of his schedule. So I  
14 don't want that to happen. I know he's busy. I appreciate  
15 that, but he's also got obligations here.

16 One of the parties, one of the defense parties had  
17 filed a motion to extend discovery before me, and you noticed  
18 it in front of me. I've got to direct the parties to renote  
19 that in front of Judge Dow. I can't reset his discovery dates.  
20 I would if I could, but I cannot.

21 MR. SPRENGNETH: I wasn't certain on that, Your  
22 Honor, and I will do that.

23 THE COURT: Okay. Let me see you folks about 35 days  
24 out or a little bit more. Okay. We'll see where we are. This  
25 seems to be a sticking point. If we can get over that, let's

1 get, let's get -- move forward with the case. Who knows? It  
2 might not be too long before we all sit down and talk about  
3 settling the case, and I'll put my settlement shoes on and I'll  
4 come out with the flaming -- you know, do a little juggling,  
5 and before you know it we'll all be pals.

6 Okay. When do you want to come back?

7 THE CLERK: March 18th, 9:30.

8 THE COURT: How's that? 18th. All right.

9 MS. DEDINAS: Thanks very much.

10 THE COURT: Tell Dr. Hall I'm -- you know, the judge  
11 is scowling. All right.

12 MR. HOLTZMAN: We will communicate that.

13 MS. AMJAD: Thank you.

14 THE COURT: Please. Thank you much. Take care,  
15 folks.

16 MR. HEISLER: Thank you, Your Honor.

17 CERTIFICATE

18 I HEREBY CERTIFY that the foregoing is a true,  
19 correct and complete transcript of the proceedings had at the  
20 hearing of the aforementioned cause on the day and date hereof.

21

22 /s/TRACEY D. McCULLOUGH

February 24, 2014

23 Official Court Reporter  
United States District Court  
24 Northern District of Illinois  
Eastern Division

Date

25